pay more than $1 billion in back dues to the United Nations. Failure to do so would undermine critical UN operations in peacekeeping and development and further diminish U.S. influence in the world organization.

Complicating the administration's task is a new and fallacious idea, accepted by many members of Congress, that America has no legal obligation to pay its UN debts.

Last fall the Senate Foreign Relations Committee declared that the UN Charter ''in no way creates a 'legal obligation'" on the U.S. Congress to provide the money to pay the dues. In justification, the committee wrote: ''The United States Constitution places the authority to tax United States citizens and to authorize and appropriate those funds solely in the power of the United States Congress.''

Those statements reflect a dangerous misunderstanding of the relation between international and domestic law.

The UN Charter is a treaty that legally binds every UN member. Of course, a treaty cannot override the U.S. Constitution; Congress is free as a matter of domestic law to violate U.S. obligations under international law.

But these truisms do not alter the facts: If Congress exercises its constitutional right to violate a treaty, America still has a legal obligation to other countries, and refusal to live up to U.S. commitments can have legal consequences.

There is no international police force to enforce international law, but nations generally observe treaty obligations because of a desire for reciprocity and fear of reprisal.

In 1961, when the Soviet Union refused to pay its assessments for the Congo and Middle East peacekeeping operations, Republican and Democratic members of Congress insisted that the United States go to the World Court to get an advisory opinion that the Soviet Union had a legal obligation to pay.

The U.S. brief to the court, in whose preparation I had a part, stated: ''The General Assembly's adoption and apportionment of the organization's expenses create a binding legal obligation on the part of the member states to pay their assessed shares.'' In 1962, the court agreed with that proposition, and the General Assembly accepted it.

Article 19 of the UN Charter provides that a country in arrears of its assessments by two full years shall lose its vote in the General Assembly. The assembly, in an unfortunate failure of political will, failed to apply that sanction to the Soviet Union when it became applicable in 1964. Nevertheless, the assembly recently has regularly applied the loss-of-vote sanction.

We are not just dealing here with legal technicalities, but with realpolitik in the best sense of the word. If nations were free to treat their UN assessments as voluntary, the financial basis of the organization would quickly dissolve.

Some Americans would not mind it if the United Nations' financial support unraveled. They do not seem fully to appreciate how important the United Nations' work in conflict resolution, peacekeeping, sustainable development, humanitarian relief and human rights can be for America.

If the United States has no legal obligation to live up to its treaties and other international agreements, neither do other countries. Then, any country would be free to violate any legal commitment it has made to America, whether to open its domestic market, reduce its nuclear arsenal, provide basing for U.S. ships and aircraft, extradite or prosecute terrorists or refrain from poisoning the global environment.●

CARNEY J. CAMPION

● Mrs. BOXER. Mr. President, I rise today to honor the retirement of Mr. Carney J. Campion. Mr. Campion has served California's Golden Gate Bridge, Highway and Transportation District for 23 years with a standard of excellence that deserves our recognition.

As a Californian, and on behalf of all Californians, I want to personally thank Mr. Campion for his years of dedicated and outstanding service. Over the past 14 years, as general manager of the Golden Gate Bridge, Highway and Transportation District, Mr. Campion has been instrumental in advancing numerous projects aimed at improving the transportation infrastructure for California's future. His commitment to find better ways to serve the public was exemplified in his successful effort to modernize and expand the District's bus transit and administration facility in San Rafael. It was his leadership that sparked the purchase and preservation of the abandoned Northwestern Pacific Railroad right-of-way from Novato, California, north to Willits, California, for future transportation use. His innovative spirit led to many improvements of the Golden Gate Bridge and under his leadership the huge 50th Anniversary Celebration for the bridge was a roaring success. I was fortunate to have worked closely with him on a number of occasions, most recently in obtaining desperately needed federal funding for a portion of the $217 million seismic retrofit of the Golden Gate Bridge.

Mr. Campion has also served as a diplomat by managing to bridge the political gap between San Francisco and North Bay representatives on the span's board. He deserves our admiration for performing his job superbly while continuing to display his commitment to best representing the interests of Marin, San Francisco and, most of all, the bridge which is a world-renowned landmark of my great state, the Golden Gate Bridge.

Mr. President, Mr. Campion's ability to function effectively and creatively during his years of service are worthy of our unmeasurable gratitude. With Mr. Campion's retirement, the Golden Gate Bridge and the citizens of my state are losing the services of a committed and intelligent man. I wish him all the best, and hope his retirement is as fulfilling as his career.●

MEDICARE CERTIFICATION

● Mr. LEVIN. Mr. President, for the last few years, I have been working on an issue of great importance to my constituents in Flint, Michigan. The city of Flint is home to an outstanding medical facility, Hurley Medical Center. A subsidiary of Hurley Medical Center owns a nursing home, Heartland Manor, also located in Flint. Heartland Manor has applied to HCFA for Medicare certification which it has been attempting to do since 1994. However, Heartland Manor has been thwarted in this process at every turn by HCFA. I would like to lay out the facts of this situation for the record.

On July 27, 1989, Chateau Gardens, a nursing home facility, was terminated from the Medicare program. On January 1, 1994, West Flint Village Long Term Care Inc., a subsidiary of Hurley Foundation, purchased Chateau Gardens. The new owner, Hurley Medical Center, is a non profit public hospital with an excellent reputation. State officials requested that Hurley Medical Center take over Heartland Manor. In taking over the facility, the entire staff and management of the nursing home was changed. In 1994 Heartland Manor applied for certification into the Medicare program as a new, prospective, provider. Heartland Manor had never before entered into a Medicare participation agreement and had never been issued a provider number. However, HCFA chose to consider Heartland as a re-entry provider and Heartland was subsequently denied participation into the Medicare program based in large part on violations which HCFA carried over from the previous owner. If Heartland Manor had been treated as a new provider, it would have been approved and would presently be in the Medicare program.

The complaints that have been cited against Heartland Manor itself are typical of complaints which are lodged against many established and reputable nursing homes. In fact, the citations which Heartland Manor has received have consistently been either deleted or reduced in their determination of scope and severity. I recently reviewed eight complaints that were levied against Heartland Manor in August. None of the complaints represented a determination of a deficient facility practice.

Hurley Medical Center is planning to build a new complex that will bring state of the art care to an underserved area. The only barrier to this undertaking is Heartland's lack of Medicare certification. Once Heartland Manor receives Medicare certification, Hurley plans to put $10 million into renovating Heartland Manor.

I believe that Heartland Manor deserves to be treated as a new provider as was determined by Administrative Law Judge Stephen Ahlgren's February 26, 1998 ruling. It is illogical and unconscionable that HCFA is refusing to treat Heartland Manor as a new provider.

Mr. President, I had hoped that we could have resolved this issue in the appropriations process. It was my intent to offer an amendment to the Labor Health and Human Services and Education Appropriations Bill that would have required that HCFA consider Heartland Manor to be a new provider for Medicare certification purposes. That bill never showed up on the floor but instead was wrapped into an omnibus nonamendable conference report.

I believe that it is fair and just for the community of Flint that Heartland Manor be treated as a new provider. Providing Heartland Manor with the ability to apply as a new provider will allow the nursing home to receive a fair shot at Medicare certification which is all I am asking for.●

THE DUNGENESS CRAB CONSERVATION AND MANAGEMENT ACT

● Mr. WYDEN. Mr. President, today Congress passed a version of the Dungeness Crab Conservation and Management Act, a bipartisan bill which I cosponsored along with Senators MURRAY, GORTON, and SMITH. I would like to particularly commend Senator MURRAY for her strong leadership on this issue. She introduced the bill earlier this year and worked hard to secure its passage in this Congress.

Dungeness crab is integral to the economies of Oregon's coastal communities. The fishery is successfully managed, from both an environmental and an economic standpoint, by the States of Oregon, Washington, and California. Under existing law, the Federal government would have taken control of the management of Dungeness crab next year, costing taxpayers hundreds of thousands of dollars. Our legislation prevents this from happening. This is a common sense approach: it extends the existing authority for the States to manage Dungeness crab in Federal waters and eliminates the need to develop a costly Federal fishery managment plan.

The Magnuson-Stevens Fishery Conservation and Management Act, enacted in 1976, established regional Fishery Management Councils to develop Federal management plans for fisheries in need of conservation and management in Federal waters. However, in order to meet regional needs, the interpretation of this provision has traditionally been flexible, allowing states to manage some fisheries in Federal waters. An example of this flexibility is state management of the West Coast Dungeness crab fishery.

Since the 1960's, the States of Oregon, Washington and California have managed the Dungeness crab fishery in Federal waters. The three states and the concerned Indian tribes have worked together to make sure fishermen from each state are treated fairly and the fishery remains biologically sound. West Coast fishermen, scientists, fishery managers, and conservation groups all agree that state management has been a success story.

From a conservation standpoint, state management of Dungeness crab is effective. The crabs are harvested in a way that ensures healthy populations for the future. In addition, the problem of bycatch, or incidental catch of other fish species, is almost non-existent in the crab fishery.

Under the Magnuson Act, the authority for state management of Dungeness crab expires next year. The expiration of state authority would have required the Pacific Fishery Management Council to develop a Federal fishery management plan in 1999. Developing this plan would have consumed scant Council resources and staff time.

As many folks in Oregon know, management of West Coast groundfish and salmon species presents huge challenges to fishery managers. The Council shouldn't be forced to divert critical resources from groundfish and salmon in order to manage a species like crab, which is doing fine under the existing states' plan. With the passage of this legislation today, the Council can continue to focus its resources on the fisheries that need special attention.

This bill makes common sense by taking advantage of the unique situation presented by the Dungeness crab fishery. Essentially, Congress is agreeing with what many folks have said of this fishery: ''if it's not broken, don't fix it.'' I am glad Congress could work together in a bipartisan fashion to pass this common-sense legislation.●

THE SALTON SEA RECLAMATION ACT OF 1998

● Mrs. BOXER. Mr. President, I am so pleased that the 105th Congress has approved H.R. 3267, the Salton Sea Reclamation Act of 1998. This legislation is an important step toward an efficient and responsible restoration of the unique Salton Sea ecosystem.

Earlier this year, I introduced S. 1716, the Senate version of the Salton Sea restoration legislation. H.R. 3267 includes portions of my legislation. Although it does not authorize all of the steps necessary to complete the recovery of the Salton Sea as my bill would have done, it is a necessary step toward that goal.

Over the years, scientists, communities and politicians alike have been trying to draw national attention to the decline of the Salton Sea. Our late friend and colleague, Representative Sonny Bono, who died in a tragic skiing accident in January, worked tirelessly to make this issue an environmental priority for this Congress.

The Salton Sea is a unique natural resource in Southern California. Created in 1905 by a breach in a levee along the Colorado River, the Salton Sea is California's largest inland body of water. It is one of the most important habitats for migratory birds along the Pacific Flyway.

For 16 months after the breach, the Colorado River flowed into a dry lakebed, filling it to a depth of 80 feet. For a time following the closure of the levee, the water levels declined rapidly as evaporation greatly exceeded inflow. A minimum level was reached in the 1920s, after which the sea once again began to rise, due largely to the importation of water into the basin for agricultural purposes from the New and Alamo Rivers.

Since there is no natural outlet for the sea at its current level, evaporation is the only way water leaves the basin. All the salts carried with water that flows into the sea have remained there, along with salts re-suspended from prehistoric/historic times by the new inundation. Salinity is currently more than 25 percent higher than ocean water, and rising.

This extreme salinity, along with agricultural and wastewater in the sea, are rapidly deteriorating the entire ecosystem. The existing Salton Sea ecosystem is under severe stress and nearing collapse, with millions of fish and thousands of bird die-offs in recent years. Birds and fish that once thrived here are now threatened with death and disease as the tons of salts and toxic contaminants that are constantly dumped into the Salton Sea become more and more concentrated and deadly over time. The local economy is also being affected by the disaster at the Salton Sea by the loss of recreational opportunities, decrease in tourism, and the impact on agriculture.

We all now agree that we must take the necessary long-term and short-term steps to stabilize salinity and contaminant levels to protect the dwindling fishery resources and to reduce the threats to migratory birds. However, there is no consensus on how that should be done.

The Salton Sea Reclamation Act should answer those questions. It requires the Interior Department to report to Congress within two years on the options for restoring the Salton Sea, including a recommendation for a preferred option. Interior will review ways to reduce and stabilize salinity, stabilize surface elevation, restore the health of fish and wildlife resources and their habitats, enhance recreational use and economic development, and continue the use the Salton Sea for irrigation drainage.

When this report is submitted to Congress, we will then have the information necessary to act swiftly to authorize construction of a restoration project.

It has taken the hard work and dedication of many individuals to make this legislation a success. I would like to thank members of the Salton Sea Authority, including the Imperial County Board of Supervisors, the Riverside County Board of Supervisors, the Imperial Irrigation District, and the Coachella Valley Water District, the National Audubon Society, the Department of the Interior, Congresswoman MARY BONO, Congressman GEORGE BROWN, Congressman HUNTER, and the entire Salton Sea Task Force, Senator KYL and Senator CHAFEE.

Scientists have warned that the Salton Sea will be a dead sea within fifteen years. This legislation is an integral step to ensure that we avoid such a disaster.

I am pleased that my House and Senate colleagues have agreed to this necessary and important legislation that will not only benefit Californians and our natural heritage, but will also